

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently Amended) A method of generating revenue to a game provider from users each having a communication device within a network provided by a network provider, the method comprising the steps of:

establishing a tournament having a plurality of rounds by a game server, each round enabling the user to play a game provided by ~~[[a]]~~ the game server on the user's communication device through the tournament scheme of play;

determining a fee by the game server to the user for playing each single game in the tournament, the fee associated with playing a single game within the tournament;

paying the determined fee by the user to the game server for a single game within the tournament;

sending the determined fee from the game server to the network provider; and

transferring by the network provider a portion of the revenue collected by the network provider to the game provider based upon playing each game.

2. (Original) The method of generating revenue to a game provider of claim 1 wherein the step of establishing a tournament includes establishing a threshold score for which a user must exceed in the game played in the present round to advance to a next round.

3. (Original) The method of generating revenue to a game provider of claim 2 wherein the step of establishing a threshold score includes determining the threshold score prior to the start of each round.

4. (Original) The method of generating revenue to a game provider of claim 2 wherein the step of establishing a threshold score includes determining the threshold score after the completion of the round.

5. (Original) The method of generating revenue to a game provider of claim 2 wherein the step of establishing a tournament includes allowing the user to immediately progress to the next round upon exceeding the established threshold score.

6. (Original) The method of generating revenue to a game provider of claim 5 wherein the step of allowing the user to immediately progress to the next round includes allowing the user to play another game in the round if the user does not exceed the threshold score.

7. (Original) The method of generating revenue to a game provider of claim 2 wherein the step of establishing a tournament includes:  
establishing a start and stop time for each round;  
allowing the user to progress to the next round at the start time of the next round upon exceeding the established threshold score.

8. (Original) The method of generating revenue to a game provider of claim 6 wherein the user may continue to play an additional game until the stop time of the round.

9. (Original) The method of generating revenue to a game provider of claim 1 wherein the step of determining a fee to the user for playing each game includes determining the fee on a per game basis.

10. (Original) The method of generating revenue to a game provider of claim 1 wherein the step of determining a fee to the user for playing each game includes determining an elapsed time of game play by each user for each game.

11. (Original) The method of generating revenue to a game provider of claim 1 further comprising the step of sending a bill to the user through the network provider from the game provider for downloading the game.

12. (Original) The method of generating revenue to a game provider of claim 1 further comprising the step of sending a bill to the user through the network provider from the game provider on a pay per game basis.

13. (Original) The method of generating revenue to a game provider of claim 1 wherein the game server includes a game monitor component and wherein the step of determining an elapsed time of game play by each user playing each game includes recording a start time, an end time and a user identification for each game play within the game server.

14. (Original) The method of generating revenue to a game provider of claim 1 wherein the network provider is a wireless network provider having a wireless network and the communication devices are mobile devices communicating within the wireless network.

15. (Original) The method of generating revenue to a game provider of claim 1 wherein the network provider is a Internet service provider providing internet services through the Internet and the communication devices are computing devices communicating within the Internet.

16. (Original) The method of generating revenue to a game provider of claim 1 further comprising the steps of:

determining a communications protocol utilized by the communication device;  
and

communicating with the communication device utilizing the determined communications protocol.

17. (Original) The method of generating revenue to a game provider of claim 1 further comprising the steps of:

determining a winner from users playing in the tournament; and  
awarding a prize for winning the tournament.

18. (Original) The method of generating revenue to a game provider of claim 1 further comprising the steps of:

presenting an advertisement within the game;  
acknowledging by the user of the advertisement; and  
awarding points for acknowledging the advertisement, the points being added to a score for playing the game.

19. (Currently Amended) A system for sharing revenue generated from users of communication devices within a network playing a game between a game provider and a network provider, the system comprising:

a game server providing a tournament having a plurality of rounds, each round enabling the user to play a plurality of games provided by the game server on the user's communication device through the tournament, the user progressing to a next round upon exceeding a threshold score established for the round;

the game server being in communication with the communication devices within the network, the game server having a database for recording each game played by the user and a user identification identifying the user; and

means for calculating a fee for each game played by a user on the communication device, the fee associated with playing a single game within the tournament;

means for paying the determined fee by the user to the game server;

wherein the network provider collects revenue from the users for playing each game in the tournament and transfers a percentage of the revenue to the game provider.

20. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the means for calculating a fee for each game played includes determining a total elapsed game time derived from the start time and the end time and calculating the fee based on the total elapsed game time for each game played.

21. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the means for calculating a fee includes calculating a fee on a per game basis.

22. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the game server allows the user to immediately progress to the next round upon exceeding the established threshold score.

23. (Original) The system for sharing revenue generated from users of communication devices of claim 22 wherein the game server allows the user to play another game in the round if the user does not exceed the threshold score.

24. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein:

the game server establishes a start and stop time for each round; and

the game server allows the user to progress to the next round at the start time of the next round upon exceeding the established threshold score.

25. (Original) The system for sharing revenue generated from users of communication devices of claim 24 wherein the game server allows the user to play an additional game until the stop time of the round.

26. (Original) The system for sharing revenue generated from users of communication devices of claim 19 further comprising a billing server in communication with the game server and having a database for recording each game and the user identification sent from the game server for each game played by a user.

27. (Original) The system for sharing revenue generated from users of communication devices of claim 26 wherein the billing server communicates with a billing system of the network provider for billing the user for game play from the game server, the billing server providing information on game play and user identification to the billing system.

28. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the network provider is a wireless network provider providing a wireless network and the communication devices are mobile devices communicating within the wireless network.

29. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the network provider is an Internet service provider providing Internet services through the Internet and the communication devices are computing devices communicating within the Internet.

30. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the game server determines the communications protocol being utilized by the communication device and communicates with the communication device utilizing the determined communications protocol.

31. (Original) The system for sharing revenue generated from users of communication devices of claim 19 wherein the game server provides an advertisement within the game being played by the user, whereby when the advertisement is acknowledged by the player, a bonus is awarded to the player.

32. (Original) The system for sharing revenue generated from users of communication devices of claim 31 wherein fees are charged to an advertiser associated with the advertisement for each acknowledgment of the advertisement.

33. (Original) The system for sharing revenue generated from users of communication devices of claim 19, wherein the game server determines a winner of the tournament from the users playing the tournament and awarding a prize to the winner.

34. (Currently Amended) A method of conducting a tournament by a game provider from users each having a communication device within a network provided by a network provider, the method comprising the steps of:

establishing a tournament having a plurality of rounds by a game server, each round enabling the user to play a game provided by [[a]] game server on the user's communication device through the tournament;

establishing a threshold score for each round by the game server, the threshold score setting the score for which a user must exceed in a game to proceed to a next round;

allowing, by the game server, a user to progress to a next round in the tournament upon the user exceeding the established threshold score;

determining a fee by the game server to the user for playing each game, the fee associated with playing a single game within the tournament;

paying the determined fee by the user to the game server; and

sending the determined fee from the game server to the network provider.

35. (Original) The method of conducting a tournament by a game provider of claim 34 wherein the step of allowing a user to progress to a next round includes allowing the user to immediately progress to the next round upon exceeding the established threshold score.

36. (Original) The method of conducting a tournament by a game provider of claim 35 wherein the step of allowing the user to immediately progress to the next round includes allowing the user to play another game in the round if the user does not exceed the threshold score.

37. (Original) The method of conducting a tournament by a game provider of claim 34 wherein the step of establishing a tournament includes:  
establishing a start and stop time for each round; and  
allowing the user to progress to the next round at the start time of the next round upon exceeding the established threshold score.

38. (Original) The method of conducting a tournament by a game provider of claim 37 wherein the user may continue to play an additional game until the stop time of the round.

39. (Original) The method of conducting a tournament by a game provider of claim 34 wherein the step of determining a fee to the user for playing each game includes determining the fee on a per game basis.

40. (Original) The method of conducting a tournament by a game provider of claim 34 further comprising the steps of:  
determining a communications protocol utilized by the communication device;  
and



communicating with the communication device utilizing the determined communications protocol.

41. (Original) The method of conducting a tournament by a game provider of claim 34 further comprising the steps of:

determining a winner from users playing in the tournament; and  
awarding a prize for winning the tournament.

42. (Original) The method of conducting a tournament by a game provider of claim 34 further comprising the steps of:

presenting an advertisement within the game;  
acknowledging by the user of the advertisement; and  
awarding a bonus to the user for acknowledging the advertisement.

43. (Currently Amended) A system for conducting a tournament of users of communication devices within a network playing a game, the system comprising:

a game server providing a tournament having a plurality of rounds, each round enabling the user to play a game provided by the game server on the user's communication device through the tournament, the user progressing to a next round upon exceeding a threshold score established for the round;

the game server being in communication with the communication devices within the network having a database for recording each game played by the user and a user identification identifying the user; and

wherein the game server includes:

means for calculating a fee for each game played by a user on the communication device, the fee associated with playing a single game within the ~~tournament.~~ tournament; and

means for paying the determined fee by the user to the game server;

44. (Original) The system for conducting a tournament of claim 43 wherein the means for calculating a fee for each game played includes determining a total elapsed game time derived from the start time and the end time and calculating the fee based on the total elapsed game time for each game played.

45. (Original) The system for conducting a tournament of claim 43 wherein the means for calculating a fee includes calculating a fee on a per game basis.

46. (Original) The system for conducting a tournament of claim 43 wherein the game server allows the user to immediately progress to the next round upon exceeding the established threshold score.

47. (Original) The system for conducting a tournament of claim 46 wherein the game server allows the user to play another game in the round if the user does not exceed the threshold score.

48. (Original) The system for conducting a tournament of claim 43 wherein:

the game provider establishes a start and stop time for each round; and  
the game provider allows the user to progress to the next round at the start time of the next round upon exceeding the established threshold score in the current round.

49. (Original) The system for conducting a tournament of claim 48 wherein the game provider allows the user to play an additional game until the stop time of the round.

50. (Original) The system for conducting a tournament of claim 43 wherein the game server determines the communications protocol being utilized by the

communication device and communicates with the communication device utilizing the determined communications protocol.

51. (Original) The system for conducting a tournament of claim 43 wherein the game server provides an advertisement within the game being played by the user, whereby when the advertisement is acknowledged by the player, a bonus is awarded to the.

52. (Original) The system for conducting a tournament of claim 51 wherein fees are charged to an advertiser associated with the advertisement for each acknowledgment of the advertisement.

53. (Original) The system for conducting a tournament of claim 43, wherein the game server determines a winner of the tournament from the users playing the tournament and awarding a prize to the winner.